

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-3, 12-13 and 21-22 are cancelled. Claims 1, 4-11 and 14-20 remain pending in this application as amended herein. Claims 23-34 are added. Accordingly, claims 1, 4-11, 14-20, and 23-34 are submitted for the Examiner's reconsideration.

In the Office Action, claims 1, 4-7, 11 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsonomiya (U.S. Patent Application Publication No. 2002/0066113) in view of Yoshida (U.S. Patent Application Publication No. 2004/0160863) and further in view of Takahashi (U.S. Patent No. 5,067,029). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

As an example, claim 1 recites:

a recordation control process executing section for executing a selection process to select one of the plurality of information recording means having greatest of available capacities of the information recording means, for executing a data recordation process to at least one of the plurality of information recording means, and for executing a process of generating control information during data reproduction, the control information including reproduction procedure information in which a procedure for reproducing data is stored and reproduction management information in which link information to the reproduction procedure information, video/audio section data file names, time information, and video/audio header information are stored, [.]

(Emphasis added.) Neither the relied on sections of Utsonomiya, the relied on sections of Yoshida, nor the relied on sections of Takahashi disclose or suggest executing a selection process to select one of a plurality of information recording means having

greatest of available capacities of the information recording means.

The Office Action acknowledges that "[t]he combination of Utsonomiya et al. and Yoshida do not disclose one of the plurality of information means having greatest of available capacities of the information recording means" but contends that Takahashi does and relies on col. 6 ll. 42-53 of Takahashi. However, such sections of Takahashi merely describe that in a case where a large number of pictures are to be shot, an operator need only select the optical card or the magnetic disk having a great recording capacity as the recording medium. That is, the operator selects a recording medium that has a large recording capacity. Such sections of the reference do not disclose or suggest that operator selects the recording medium that has the largest recording capacity. Hence, the relied on sections of Takahashi do not disclose or suggest to select one of a plurality of information recording means having greatest of available capacities of the information recording means.

It follows, for at least these reasons, that neither the relied on sections of Utsonomiya, the relied on sections of Yoshida, nor the relied on sections of Takahashi, whether taken alone or in combination, disclose or suggest the combination set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claim 11 calls for features similar to those set out in the above excerpt of claim 1. Therefore, claim 11 is patentably distinguishable over the relied on sections of Utsonomiya, Yoshida, and Takahashi at least for the same reasons.

Claims 4-7 depend from claim 1, and claims 14-17 depend from claim 11. Therefore, each of these claims is distinguishable

over the relied on art for at least the same reasons as the claim from which it depends.

Claims 8-10 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsonomiya in view of Yoshida in view of Koyama (U.S. Patent No. 6,122,010) and further in view of Takahashi. Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

As an example, independent claim 8 recites:

a recordation control process executing section for executing a selection process to select one of the plurality of information recording means having greatest of available capacities of the information recording means, for executing a data recordation process to at least one of the plurality of information recording means, and for executing a process of generating control information during data reproduction[.]

(Emphasis added.)

For at least the reasons set forth above regarding claim 1 neither the relied on sections of Utsonomiya, the relied on sections of Yoshida, nor the relied on sections of Takahashi disclose or suggest executing a selection process to select one of a plurality of information recording means having greatest of available capacities of the information recording means.

The relied-on sections of Koyama do not overcome the deficiencies of the relied-on sections of Utsonomiya, Yoshida, and Takahashi.

Independent claim 18 calls for features similar to those set out in the above excerpt of claim 8 and therefore is patentably distinguishable over the relied on sections of Utsonomiya, Yoshida, and Takahashi at least for the same reasons.

Claims 9-10 depend from claim 8, and claims 19-20 depend from claim 18. Therefore, each of the claims is distinguishable over the relied-on art for at least the same reasons.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103(a).

New claims 23-25 depend from claim 1, new claims 26-28 depend from claim 8, new claims 29-31 depend from claim 11, and new claims 32-34 depend from claim 18. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends. Support for new claims 23-34 is found at, e.g., Fig. 2 and pgs. 30-31 of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

Application No.: 10/500,401

Docket No.: SONYJP 3.3-342

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 16, 2011

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